

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 797

Introduced by Senator Machado

February 21, 2003

~~An act to amend Section 1367.665 of the Health and Safety Code, relating to health care.~~ *An act to amend Section 1367.67 of, and to add Section 125705 to, the Health and Safety Code, to amend Section 10123.185 of the Insurance Code, and to add Section 14021.2 to the Welfare and Institutions Code, relating to health.*

LEGISLATIVE COUNSEL'S DIGEST

SB 797, as amended, Machado. ~~Health care service plans:~~ *osteoporosis screening.*

(1) Existing law provides for regulation of health care service plans by the Department of Managed Health Care and for regulation of health insurers by the Department of Insurance. Existing law requires certain health care service plans and health insurers to provide coverage for the diagnosis, treatment, and appropriate management of osteoporosis, including bone mass measurement technologies approved by the federal Food and Drug Administration that are deemed medically appropriate. A willful violation of provisions relating to health care service plans is a crime.

This bill would specify that coverage for diagnostic services would include osteoporosis screening for individuals over 50 years of age or upon the onset of menopause, whichever occurs first.

(2) Existing law establishes the California Osteoporosis Prevention and Education Program administered by the State Department of Health Services.

This bill would require the department to develop a program to provide osteoporosis screening services to eligible individuals, as defined.

(3) Existing law creates the Medi-Cal program to provide health care coverage to persons of limited incomes.

This bill would also require the Medi-Cal program to provide coverage for the diagnosis, treatment, and appropriate management of osteoporosis, including bone mass measurement technologies approved by the federal Food and Drug Administration that are deemed medically appropriate, and screening for individuals over 50 years of age or upon the onset of menopause, whichever occurs first.

~~Existing law, the Knox Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Under existing law, a plan contract that is issued, amended, delivered, or renewed on or after July 1, 2000, is deemed to provide coverage for cancer screening tests.~~

~~This bill would instead require a plan contract to provide coverage for these tests.~~

Because the bill would impose additional requirements on health care service plans, the willful violation of which is a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 1367.665 of the Health and Safety Code~~
 2 *SECTION 1. Section 1367.67 of the Health and Safety Code*
 3 *is amended to read:*

4 1367.67. Every health care service plan contract that provides
 5 hospital, medical, or surgical coverage, that is issued, amended,
 6 delivered, or renewed in this state on or after January 1, 1994, shall
 7 be deemed to include coverage for services related to diagnosis,
 8 treatment, and appropriate management of osteoporosis. The

1 services may include, but need not be limited to, all Food and Drug
2 Administration approved technologies, including bone mass
3 measurement technologies as deemed medically appropriate. *The*
4 *coverage for diagnostic services under this section shall include*
5 *osteoporosis screening for individuals beginning at 50 years of age*
6 *or upon the onset of menopause, whichever occurs first.*

7 SEC. 2. Section 125705 is added to the Health and Safety
8 Code, to read:

9 125705. (a) In consultation with the advisory panel
10 convened pursuant to subdivision (c) of Section 125703, the
11 department shall develop a program to provide osteoporosis
12 screening services to eligible individuals that includes the
13 following:

14 (1) Screening for osteoporosis using a Food and Drug
15 Administration approved technology.

16 (2) Medical referral of screened individuals for services
17 necessary for definitive diagnosis.

18 (3) If a positive diagnosis is made, assistance and advocacy
19 shall be provided to help the person obtain necessary treatment.

20 (b) An individual is eligible to receive the services if he or she
21 meets all of the following requirements:

22 (1) The individual is a California resident.

23 (2) The individual is uninsured.

24 (3) The individual is over 50 years of age or upon the onset of
25 menopause, whichever occurs first.

26 (4) The individual's family income does not exceed 200 percent
27 of the federal poverty level.

28 (c) The department may coordinate with appropriate federal,
29 state, and local agencies, community organizations, and health
30 care providers to bring screening services to the community in a
31 cost-effective, accessible manner.

32 SEC. 3. Section 10123.185 of the Insurance Code is amended
33 to read:

34 10123.185. (a) Every policy of disability insurance that
35 covers hospital, medical, or surgical expenses and is issued,
36 amended, delivered, or renewed in this state and certificate of
37 group disability insurance issued, amended, delivered, or renewed
38 in this state pursuant to a master group policy issued, amended,
39 delivered, or renewed in another state on or after January 1, 1994,
40 shall be deemed to include coverage for services related to

1 diagnosis, treatment, and appropriate management of
2 osteoporosis. The services may include, but need not be limited to,
3 all Food and Drug Administration approved technologies,
4 including bone mass measurement technologies as deemed
5 medically appropriate. *The coverage for diagnostic services under*
6 *this section shall include osteoporosis screening for individuals*
7 *beginning at 50 years of age or upon the onset of menopause,*
8 *whichever occurs first.*

9 (b) This section shall not apply to specified accident, specified
10 disease, hospital indemnity, Medicare supplement, or long-term
11 care health insurance policies.

12 SEC. 4. Section 14021.2 is added to the Welfare and
13 Institutions Code, to read:

14 14021.2. Notwithstanding any other provision of this chapter,
15 health care shall include coverage for services related to the
16 diagnosis, treatment, and management of osteoporosis. These
17 services may include, but need not be limited to, all Food and Drug
18 Administration approved technologies, including bone mineral
19 density technologies deemed medically appropriate. The coverage
20 for diagnosis services under this section shall include osteoporosis
21 screening of individuals beginning at 50 years of age or upon the
22 onset of menopause, whichever occurs first.

23 SEC. 5. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 is amended to read:

33 1367.665. Every individual or group health care service plan
34 contract, except for a specialized health care service plan contract,
35 that is issued, amended, delivered, or renewed on or after July 1,
36 2000, shall provide coverage for all generally medically accepted
37 cancer screening tests, subject to all terms and conditions that
38 would otherwise apply.

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

O

